XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... सन् 200

(30)

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

M.A(C) No. 670 of 2007

Appellant

Yasoda Bai, aged about 58 years, widow of late Ramjhool Gond, resident of village Salhekapa, Tahsil kargikala, District Bilaspur (C.G)

Versus

RESPONDENTS

1 Rajkumar alias Raju Dubey, aged about 35 years, s/o N.P.Dubey, r/o Mankdika Ghat Qtr.No.10/2003, P.S. Chowk Varanasi, Distt. Banaras, U.P. Presently residing Firangipara Kota, P.S. and Tahsil Kota, Distt. Bilaspur (C.G) – ***Driver of the Tractor No.UP 12/7519***

2 Sandeep Tomar, aged about 21 years, son of late Satyaveer Singh Tomar

2A Sumit Tor son of late Satyaveer Singh Tomar, aged about 18 years Respondents 2 & 2A are the residents of Qrr.No.C-3/146, Janakpuri, New Delhi, U.P. - ***Registered Owners of Tractor No.U.P.12/7519***

3. The Oriental Insurance Company Ltd., through the Branch Manager, 9 Community Centre Mayapuri Phase – 1, through the Divisional Manager, Oriental Insurance Company Limited, in front of high Court of C.G. Bilaspur (C.G) ***Insurer of the Tractor No.UP12/7519***)

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मामला क्रमांक M.A(C) 670/ सन् 2007

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

Misc. Appeal u/s 173 of the Motor Vehicles Act, 1988

Appearance:

Miss. Deepali Ghosh, counsel for the appellant.

D.B: Hon'ble Shri Justice L.C. Bhadoo &
Hon'ble Shri Justice Sunil Kumar Sinha, J, J

ORAL ORDER

(10.08.2007)

L.C.Bhadoo,

Heard on admission.

The claimant Yasoda has preferred this appeal u/s 173 of the Motor Vehicles Act 1988 for enhancement of the award dated 27.2.2007 passed by VIII Motor Accident Claims Tribunal (F.T.C) Bilaspur, in claim case No.34/2005 filed on 10th January 2005, whereby the learned Tribunal has awarded rs.32,000/- as the amount of compensation alongwith interest @ 8% p.m. from the date of application and if the award is not paid within a period of two months then the interest shall be at the rate of 10%.

A perusal of the Award shows that in Para 46 of the Award, it has been mentioned that the claimant Yasoda has stated that she sustained fracture in the right thigh bone and also sustained injuries on the left and right hand elbows and she remained in hospital for 15 days. She also stated that she used to earn Rs.80/- per day and disclosed her age as 58 years. She claimed Rs.7,40,000/-, but she has not examined any medical specialist in order to establish the fracture and other injuries sustained by her, therefore, in a lump sum the

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आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

tribunal has awarded Rs.32,000/- on account of the period during which, she remained in hospital and she was deprived of her earning as also the medical expenses, pain and suffering.

Since the claimant has not adduced the medical evidence to establish that she sustained fracture or she sustained any injury on the right and left hand elbows nor there is any evidence to substantiate her medical claim and the claimant is labour, therefore, taking into account the amount which she was earning as a daily wager, the Tribunal has awarded in all Rs.32,000/-

Therefore, looking to the totality of the circumstances and the evidence adduced by the claimant, we are of the considered opinion that the compensation amount of Rs.32,000/- awarded by the tribunal is just, fair and reasonable, which is not on lower side in any manner.

The appeal being devoid of merit is liable to be dismissed and it is hereby dismissed.

Sd/-
L.C. Bhadoo
Judge

Sd/-
Sunil Kumar Sinha
Judge

(Rao)